

### AFFIDAVIT OF J.D. STRONG

J.D. Strong, being of lawful age and first being sworn upon his oath, deposes and states as follows:

1. I am the Secretary of the Environment of the State of Oklahoma. I am also the trustee for natural resources for the State of Oklahoma under CERCLA.

2. I have personal knowledge about the natural resources in that portion of the Illinois River Watershed located within Oklahoma, as well as the agencies that exercise regulatory, control and management functions over such natural resources on behalf of the State of Oklahoma. These agencies include, without limitation, those listed below.

3. The State of Oklahoma acting through the Oklahoma Department of Environmental Quality conducts regulatory, control and management functions in that portion of the Illinois River Watershed located within Oklahoma including, without limitation, the following:

- a. Regulation of municipal and industrial point source discharges. 27A Okla. Stat. § 1-3-101(B)(1);
- b. Surface water and groundwater quality and protection and water quality certifications. 27A Okla. Stat. § 1-3-101(B)(4);
- c. Regulation of public and private water supplies. 27A Okla. Stat. § 1-3-101(B)(6).

4. The State of Oklahoma, acting through the Oklahoma Water Resources Board, conducts regulatory, control and management functions in that portion of the Illinois River Watershed located within Oklahoma including, without limitation, the following:



- a. Jurisdiction for water quantity, including but not limited to, water rights, surface water and underground water, planning, and interstate stream compacts. 27A Okla. Stat. § 1-3-101(C)(1).
- b. Flood plain management. 27A Okla. Stat. § 1-3-101(C)(4).
- c. Dam Safety. 27A Okla. Stat. § 1-3-101(C)(3).
- d. Water Quality Standards development and accompanying use support assessment protocols, anti-degradation policy and implementation, and policies generally affecting Oklahoma Water Quality Standards application and implementation, including but not limited to, mixing zones, low flows and variances or any modification or change thereof pursuant to Section 1085.30 of Title 82 of the Oklahoma Statutes. 27A Okla. Stat. § 1-3-101(C)(9).

5. The State of Oklahoma, acting through the Oklahoma Department of Wildlife Conservation, conducts regulatory, control and management functions in that portion of the Illinois River Watershed located within Oklahoma including, without limitation, the following:

- a. Investigating wildlife kills. 27A Okla. Stat. § 1-3-101(H)(1).
- b. Wildlife protection and seeking wildlife damage claims. 27A Okla. Stat. § 1-3-101(H)(2).
- c. Issuing fishing licenses. 29 Okla. Stat. § 4-110.
- d. Issuing hunting licenses. 29 Okla. Stat. §§ 4-101,112
- e. Closing the waters of the State to fishing. 29 Okla. Stat. § 6-502.

6. The State of Oklahoma, acting through the Oklahoma Scenic Rivers Commission, conducts regulatory, control and management functions in that portion of the Illinois River Watershed located within Oklahoma including, without limitation, the following:

- a. Promulgating rules and issuing orders necessary to protect the public interest. 82 Okla. Stat. § 1461(G)(b).

- b. Establishing fees for commercial canoe operators. 82 Okla. Stat. § 1470.
- c. Acquiring, developing and maintaining public access points. 82 Okla. Stat. § 1454.
- d. Protecting the natural resources of the Scenic Rivers in the Illinois River Watershed. O.A.C. 630:15-1-1.

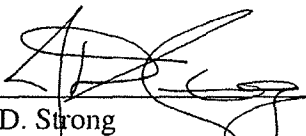
7. The State of Oklahoma, acting through the Oklahoma Department of Mines, conducts regulatory, control and management functions in that portion of the Illinois River Watershed located within Oklahoma including, without limitation, the following:

- a. Mining regulation. 27A Okla. Stat. § 1-3-101(G)(1).
- b. Inspecting surface mining operations. 45 Okla. Stat. § 907.
- c. Reviewing and issuing surface mining permits. O.A.C. § 460:10-3-4.

8. The State of Oklahoma, acting through the Oklahoma Department of Agriculture, Food, and Forestry, conducts regulatory, control and management functions in that portion of the Illinois River Watershed located within Oklahoma including, without limitation, the following:

- a. Registering and regulating poultry feeding operations. 2 Okla. Stat. § 10-9.1, et seq.
- b. Certifying poultry waste applicators. 2 Okla. Stat. § 10-9.16, et seq.
- c. Regulating concentrated animal feeding operations. 2 Okla. Stat. § 20-40 et seq.

Further affiant sayeth not.

  
J.D. Strong  
Oklahoma Secretary of the Environment

Dec. 15, 2008  
Date

Subscribed and sworn to before me this 15<sup>th</sup> day of December, 2008.

My Commission Expires: 11.9.10

My Commission No. 02017963

